

### **REMARKS**

Favorable reconsideration and allowance of the present application is respectfully requested.

Applicants initially wish to thank Examiner Boyd for the kindness and courtesy she extended during the recent telephone interviews on April 15, 2004 and April 20, 2004. As discussed in the interviews, independent claims 1, 27, and 35 have been amended to require that the sanitizing formulation is configured to release from the substrate as a solution during use of the wiper in food service applications, wherein the quaternary ammonium compound (or benzalkonium halide) is present within the solution in an amount less than about 2000 parts per million of the solution. It was agreed that this language would overcome the Examiner's objection to the "capable of" language in original claim 1.

In the initial Office Action, independent claims 1, 27, and 35 were rejected under 35 U.S.C. §103(a) as being obvious in view of U.S. Patent Application Pub. No. 2002/0103098 to Harrison, et al. Harrison, et al. is directed to an aqueous cleaning composition useful in removing dirt and grime from surfaces, such as glazed ceramic tiles, polished metals, enameled metal surfaces, and glazed porcelain. [0002]. The cleaning composition may contain a quaternary ammonium surfactant compound, a surfactant system, a solvent system, an alkalizing agent, and water.

However, as correctly noted by the Examiner and discussed in the recent interviews, Harrison, et al. fails to disclose several aspects of independent claims 1, 27, and 35. For example, claim 1 requires that the sanitizing formulation is configured so that it releases from the substrate as a solution during use of the wiper in food service

applications. When released, the quaternary compound is present in an amount less than about 2000 parts per million of the solution. Moreover, even though releasing a relatively small amount of the quaternary compound, the wiper still exhibits a log reduction for *E. Coli* of at least about 2.

Conventionally, it was difficult to form food service wipers that released only a small amount of an antimicrobial agent, and yet still achieve the desired antimicrobial kill. (Appl. p. 1). For example, certain antimicrobial agents (e.g., quaternary ammonium compounds) are readily adsorbed by the polar fibers of many wipers. When adsorbed in this manner, they became bound to the polar fibers and thus generally less effective in killing bacteria present on a wiping surface. The present inventors have discovered, however, that this adsorption phenomenon may be controlled by selectively configuring the components of the sanitizing formulation based on the nature of the wiper materials. As a result, a greater portion of the antimicrobial agent remains unbound and free to interact with bacteria on the wiping surface. Through optimization of antimicrobial efficacy, smaller concentrations of antimicrobial agent may be utilized, which in turn leads to smaller amounts of the antimicrobial agent in the released solution. The combination of a low concentration of released antimicrobial agent is particularly important in food service applications, in which it is desired to minimize the likelihood that the antimicrobial agent will become present in large amounts in food that later contacts the wiped surface. (Appl. pg. 10).

Harrison, et al. completely fails to recognize the unique aspects provided by the present invention. As discussed in the recent interviews, Harrison, et al. does mention that the cleansing composition may be absorbed onto a wipe to form a saturated wipe.

[0091]-[0094]. Nevertheless, despite this cursory reference, Harrison, et al. still fails to teach the concentration of the quaternary ammonium compound, either in the sanitizing formulation or in the released solution, when used in conjunction with a wet wipe. Moreover, Harrison, et al. also fails to teach the claimed log reduction of *E. Coli*, whether the sanitizing formulation is used directly or applied to a wiper. Perhaps even more importantly, Harrison, et al. fails to recognize the significant benefits that may be achieved by configuring the sanitizing formulation (i.e., compounds, relative amounts, add-on level, etc.) to the particular wiper materials to minimize adsorption of the antimicrobial agent by the polar fibers. In fact, many of the embodiments of Harrison, et al. relate to using the cleaning composition as a "direct application" product, such as in a manually operated spray dispensing container or a pressurized aerosol container. [0089]-[0090].

Applicants emphasize that the claimed parameters would not simply have been a result of routine experimentation. In particular, before a certain range can be determined to be obvious from the result of routine experimentation, the particular range must first be recognized as result-effective. See e.g., MPEP §2144.05 IIB. In this instance, Harrison, et al. simply fails to recognize that the sanitizing formulation may be selectively configured based on the wiper materials to minimize binding of the quaternary compound to polar fibers. When properly viewed as a whole, there is simply no motivation to modify Harrison, et al. in an attempt to render obvious claims 1, 27, and 35. Thus, for at least the reasons set forth above, Applicants respectfully submit that independent claims 1, 27, and 35 patentably define over Harrison, et al.

Besides the above-mentioned rejection, independent claim 1 was also rejected under 35 U.S.C. §103(a) in view of U.S. Patent No. 6,656,456 to Dodd, et al. However, as discussed in the recent interviews, Dodd, et al. is directed to "skin deodorizing" compositions, and simply does not teach the aspects of independent claim 1.

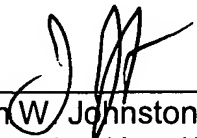
In addition, the above-cited reference(s) were also cited to reject dependent claims 2-26, 28-34, and 36-38. Applicants respectfully submit, however, that at least for the reasons indicated above relating to corresponding independent claims 1, 27, and 35, claims 2-26, 28-34, and 36-38 patentably define over the reference(s) cited. However, Applicants also note that the patentability of dependent claims 2-26, 28-34, and 36-38 does not necessarily hinge on the patentability of independent claims 1, 27, and 35. In particular, some or all of these claims may possess features that are independently patentable, regardless of the patentability of claims 1, 27, and 35.

As such, for at least the reasons set forth above, Applicants respectfully submit that the present claims patentably define over all of the prior art of record. It is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner Boyd is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this response.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully submitted,

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